

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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F.C.C., *on his own behalf and on behalf of his  
minor child, A.C.L.*,

Plaintiffs,

- against -

UNITED STATES OF AMERICA,

Defendant.

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**STIPULATION & ORDER  
TO TRANSFER VENUE**

Civil Action  
No. 2:22-cv-5057

(Morrison, J.)  
(Wicks, M.J.)

**WHEREAS**, plaintiff F.C.C. commenced this action on behalf of himself and his minor child, A.C.L.,<sup>1</sup> pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680, asserting multiple tort claims against defendant United States of America;

**WHEREAS**, the Government has moved to transfer venue to the District of Arizona pursuant to 28 U.S.C. §§ 1402(b) and 1404;

**WHEREAS**, the Government has produced to Plaintiff certain information relating to venue pursuant to the Court's June 15, 2023 Order and July 16, 2023 Scheduling Order;

**WHEREAS**, Plaintiffs maintain that venue is proper in this district but also assert that venue is proper in the United States District Court for the District of Columbia because Plaintiffs contend that such district is a judicial district where one or more acts or omissions complained of occurred, including where the authorization for Plaintiff A.C.L.'s placement with MercyFirst shelter was made<sup>2</sup>;

**WHEREAS**, Plaintiffs propose to transfer this action to the United States District Court for the District of Columbia;

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<sup>1</sup> Plaintiffs are proceeding in this action pseudonymously. *See* ECF No. 13.

<sup>2</sup> The document that Plaintiffs contend supports this position has been marked confidential by Defendant. If the Court desires to see this document, Plaintiffs can produce it under seal.

**WHEREAS**, Defendant does not object, but waives no argument with respect to venue or jurisdiction:

**IT IS NOW HEREBY STIPULATED AND AGREED** by and between Plaintiffs and Defendant to the above-referenced action, by their respective undersigned attorneys, that this action shall be transferred pursuant to 28 U.S.C § 1404(a) and/or 28 U.S.C § 1406(a) to the United States District Court for the District of Columbia.

Dated: August 16, 2023  
Washington, D.C.

HANDLEY FARAH & ANDERSON PLLC  
*Attorneys for Plaintiffs*  
1201 Connecticut Ave., NW  
Suite 200k  
Washington, DC 20036

By: /s/ Matthew K. Handley  
Matthew K. Handley  
Rachel Nadas  
(202) 559-2411  
(202) 899-2991  
[mhandley@hfajustice.com](mailto:mhandley@hfajustice.com)  
[rnadas@hfajustice.com](mailto:rnadas@hfajustice.com)

Dated: August 16, 2023  
Brooklyn, New York

BREON PEACE  
United States Attorney  
*Attorney for Defendant*  
Eastern District of New York  
271-A Cadman Plaza East  
Brooklyn, New York 11201

By: /s/ Kimberly A. Francis  
Kimberly A. Francis  
Christopher D. Volpe  
(718) 254-6147  
(718) 254-6188  
[kimberly.francis@usdoj.gov](mailto:kimberly.francis@usdoj.gov)  
[christopher.volpe@usdoj.gov](mailto:christopher.volpe@usdoj.gov)

SO-ORDERED this  
\_\_\_\_ day of \_\_\_\_\_, 2023

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HONORABLE NINA R. MORRISON  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF NEW YORK